

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902M) for Approval of its Energy Storage Procurement Framework and Program As Required by Decision 13-10-040.

Application 14-02-006
(February 28, 2014)

And Related Matters.

Application 14-02-007
Application 14-02-009

DECISION AWARDING COMPENSATION TO CONSUMER FEDERATION OF CALIFORNIA FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-10-045

Claimant: Consumer Federation of California	For contribution to Decision (D.) 14-10-045
Claimed: \$17,732	Awarded: \$15,330.00 (reduced 13.5%)
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: Colette E. Kersten

PART I: PROCEDURAL

A. Brief Description of Decision:	Approves SDG&E, PGE, and SCE's Storage Procurement Framework and Program Applications for 2014 Biennial Procurement period, and closes the proceeding.
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	May 14, 2014	Verified
2. Other Specified Date for NOI:		
3. Date NOI Filed:	June 10, 2014	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.13-02-008	Verified
6. Date of ALJ ruling:	October 25, 2013	Verified

7. Based on another CPUC determination (specify):	N/A	
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.13-02-008	Verified
10. Date of ALJ ruling:	October 25, 2013	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-10-045	Verified
14. Date of Issuance of Final Order or Decision:	10/22/2014	Verified
15. File date of compensation request:	December 22, 2014	Verified
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contributions	CPUC Discussion
<p>1. Cost Recovery</p> <p>CFC argued cost recovery and allocation rules should be clarified and subject to ongoing review.</p> <p>The Commission Decision follows the CFC argument and defers the resolution of specific cost recovery proposal for energy storage to when there is an actual project. Also, while PCIA mechanisms are authorized in this decision, its application is subject to Commission approval. (Decision pp. 44-48)</p>	<p>Consumer Federation of California Comments on Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge Supplemental Questions, pp.3-4.</p> <p>Protest of the Consumer Federation of California to the Applications of San Diego Gas & Electric Company, Pacific Gas & Electric, and Southern California Edison Company to Energy Storage Procurement Framework and Programs Submitted Pursuant to Decision 13-10-040, pp.2-4.</p> <p>Opening Comments of the Consumer Federation of California to the Proposed Decision of ALJ Colette Kersten in the Applications of San Diego Gas & Electric Company, Pacific Gas & Electric, and Southern California Edison Company to Energy Storage</p>	<p>Yes.</p>

	Procurement Framework and Programs Submitted Pursuant to Decision 13-10-040, p. 2-3.	
<p>2. PG&E Biomethane Proposal</p> <p>CFC was adamant that the definition of energy storage not be interpreted to include biomethane; that biomethane is not energy storage.</p> <p>The Commission agreed and did not adopt the biomethane, without a suitable storage component, as energy storage proposal of PG&E. (Decision pp. 61-62)</p>	<p>Consumer Federation of California Comments on Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge Supplemental Questions, pp. 4-5.</p> <p>Protest of the Consumer Federation of California to the Applications of San Diego Gas & Electric Company, Pacific Gas & Electric, and Southern California Edison Company to Energy Storage Procurement Framework and Programs Submitted Pursuant to Decision 13-10-040, p.4.</p> <p>Opening Comments of the Consumer Federation of California to the Proposed Decision of ALJ Colette Kersten in the Applications of San Diego Gas & Electric Company, Pacific Gas & Electric, and Southern California Edison Company to Energy Storage Procurement Framework and Programs Submitted Pursuant to Decision 13-10-040, p.3.</p>	Yes.
<p>3. Definitions</p> <p>CFC argued that, within the definition of “energy storage,” the term “generate” should not be defined broadly. If narrowly defined, biomethane could not (and should not) be included within the definition of energy storage.</p> <p>Consistent with CFC’s arguments, the Commission ultimately decided that the term “generate” would be defined narrowly. Technologies “generating” energy would be included in</p>	<p>Consumer Federation of California Comments on Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge Supplemental Questions, pp. 4-5.</p> <p>Consumer Federation of California Reply Comments on Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge Supplemental Questions, p.4.</p> <p>Opening Comments of the Consumer Federation of California to the Proposed Decision of ALJ Colette Kersten in the Applications of San Diego Gas & Electric Company, Pacific Gas & Electric, and Southern California Edison Company to Energy Storage</p>	Yes.

the category of energy storage so long as they were coupled with an appropriate storage component. (Decision pp.55, 60-61)	Procurement Framework and Programs Submitted Pursuant to Decision 13-10-040, p.3.	
<p>4. Compliance with D. 13-10-040 Guiding Principles</p> <p>CFC asserted that the applications should have a more equitable distribution of MW hour procurement among storage domains. This would provide a more balanced approach and better match the spirit of D. 13-10-040.</p> <p>Against CFC's arguments, the Commission decided, at this time, it would allow existing storage to count toward totals and not require a more equitable distribution of purchased storage totals. However, in line with CFC's arguments, the commission did require a more detailed explanation of the type of storage resources and the associated MW quantities the IOUs intend to procure within each grid domain by the end of this year.</p>	<p>Consumer Federation of California Comments on Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge Supplemental Questions, p. 2.</p> <p>Consumer Federation of California Reply Comments on Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge Supplemental Questions, pp.2-3.</p> <p>Opening Comments of the Consumer Federation of California to the Proposed Decision of ALJ Colette Kersten in the Applications of San Diego Gas & Electric Company, Pacific Gas & Electric, and Southern California Edison Company to Energy Storage Procurement Framework and Programs Submitted Pursuant to Decision 13-10-040, p.3.</p>	No substantial contribution. CFC merely repeated broad platitudes about adhering to the spirit of D.13-10-040 and simply repeated what is listed in the decision.

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Yes.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes.
c. If so, provide name of other parties: Green Power Institute, Environmental Defense Fund, natural Resources Defense Council, The Utility Reform Network, Sierra Club, ORA.		Yes.
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: CFC and other parties at times supported overlapping recommendations, there is always some confluence of opinion when more than one consumer group participates and the number of voices arguing a particular point can be just as persuasive as the argument itself. However, CFC's compensation in this proceeding should not be reduced for duplication of the showings of other parties. In those instances, CFC sought to bolster support for the proposal by emphasizing distinct facts or authority to support the recommendation, to the extent practicable. Accordingly, CFC respectfully submits that the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under PU Code Section 1802.5. Hence, the Commission should not reduce CFC's award of compensation due to duplication.		Yes.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§§ 1801 & 1806):**

a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation CFC's request for compensation seeks an award of approximately \$17,000 for its participation and submits that these costs are reasonable in light of the importance of the issues CFC addressed and the benefits to customers.	CPUC Verified _____ Yes.
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¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>Despite the lack of easily quantifiable customer benefits, CFC submits that its participation provided a positive impact on the Commission's policies regarding the Energy Storage Procurement program. CFC's participation will afford the ratepayers of PG&E, SCE, and SDG&E significant monetary and policy benefits for ratepayers based on CFC's participation. It is difficult to estimate a specific amount for these benefits as the establishment of energy policies is difficult to quantify. Policy benefits, however, have a direct impact on customer rates. Therefore, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with CFC's participation and find the request reasonable.</p>	
<p>b. Reasonableness of Hours Claimed. CFC worked efficiently and recorded hours rounding down to the nearest decimal. This Request for Compensation includes 90 hours of CFC's attorney time. CFC's efforts reflected herein resulted in numerous contributions to D.14-10-045, detailed above and encompass the preparation of formal filings by CFC, plus active participation at the PHC and in the full-day workshop held on June 2, 2014.</p>	<p>Yes, however certain hours are disallowed for inefficiency.</p>
<p>c. Allocation of Hours by Issue</p> <p>See Attached Timesheet</p> <p>CFC has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. CFC has used the following activity codes:</p> <p>BM = Biomethane Proposal CP = Compliance with D.13-10-040 CA = Cost Allocation Process = Commission's process for reviewing the results of IOU solicitations Def. = Definition of "Energy Storage." PP = Procurement Plans W = Workshops GP = General Prep. Comp. = Intervenor Compensation Request # = Where time entries cannot easily be identified with a specific activity code. For these entries, the allocation of time spent on activities can be broken equally.</p>	<p>Yes.</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Nicole Johnson	2014	66.1	310	Resolution ALJ-303	\$17,112	49.1 ^[A]	\$300.00 ²	\$14,730.00
Subtotal: \$ 17,112						Subtotal: \$14,730.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Nicole Johnson	2014	2.6	155	Resolution ALJ-303	620	4.0 ^[B]	150.00	\$600.00
Subtotal: \$620.00						Subtotal: \$600.00		
TOTAL REQUEST: \$17,732						TOTAL AWARD: \$15,330.00		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								
Attorney		Date Admitted to CA BAR ³		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Nicole Johnson		June 2006		242625		No		

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service

² Application of 2.58% Cost of Living Adjustment to rate of \$290.00 per hour approved in D.15-05-016.

³ This information may be obtained at: <http://www.calbar.ca.gov>.

Comment 1	<p>2014 Hourly Rate for CFC Attorney Nicole Johnson</p> <p>For Ms. Johnson's work in 2014, CFC seeks an hourly rate of \$310. This rate reflects the application of the 2014 COLA adopted in Resolution ALJ-303 (2.58%) to the rate CFC has requested for Ms. Johnson's work in 2013, \$305, in requests for compensation currently pending in P. 12-11-006 (Privacy Petition), R.08-12-009 (Smart Meter Data Access OIR), R.10-12-007 (Energy Storage OIR), R. 10-11-014 (Recycled Water OIR) and in R.13-02-008 (Biomethane OIR). In calculating the 2014 rate for Ms. Johnson, CFC rounded the product of \$305x 1.0258 down to the nearest \$5 increment. A rate of \$310 is well below the range of \$320-\$375 established in Resolution ALJ-303 for an attorney with Ms. Johnson's experience. Ms. Johnson has represented CFC before this Commission since 2013. CFC presumes the Commission will resolve at least one of those five pending requests for compensation before the instant request. However, for the Commission's convenience, CFC repeats the showing we made in each of those earlier requests regarding CFC request for a 2013 rate of \$305 for Ms. Johnson. In arriving at the 2014 rate of \$310, CFC determined Ms. Johnson's years of experience in Commissioner Simon's office and 6 years as a practicing attorney in California put her well within the 8-12 years of experience tier in 2013. This year's increase, rounded down, yields a \$310 hourly rate, again, well below the range of \$320-\$375 established in Resolution ALJ-303 for an attorney with Ms. Johnson's experience.⁴</p>
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D. CPUC Disallowances and Comments:

Item	Reason
A	Reduction of 8.75 hours for hours devoted for Compliance with D. 13-10-040. Further reduction of 8.9 hours for time spent reading documents. Over half the time spent by CFC in this proceeding was spent reviewing documents, including 8.1 hours spent reviewing comments after no more filings were submitted by CFC. A reduction of 8.9 hours represents a reduction of half of the hours charged for reading, excluding hours already reduced for lack of contribution on the Compliance issue.
B	CFC's timesheets show four hours spent on intervenor compensation issues, and this is reflected in the subtotal. Despite the error in the number of hours claimed, we will credit CFC for four hours of work spent on intervenor compensation issues.

⁴ CFC's requested rate of \$310 per hour has been adjusted to \$300 per hour.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. CFC has made a substantial contribution to D.14-10-045.
2. The requested hourly rate for CFC's representative, as adjusted herein, is comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$15,330.00.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Consumer Federation of California shall be awarded \$15,330.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Consumer Federation of California their respective shares of the award, based on their California-jurisdictional electric revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 7, 2014, the 75th day after the filing of Consumer Federation of California's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, 2015, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1410045		
Proceeding(s):	A1402006		
Author:	ALJ Kersten		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Consumer Federation of California	12/22/14	\$17,732.00	\$15,330.00	N/A	Reduction for lower hourly rate, inefficiencies, and no substantial contribution.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Nicole	Johnson	Attorney	Consumer Federation of California	\$310.00	2014	\$300.00

(END OF APPENDIX)